

## Issuing of building permits prior to registration of plans of subdivision

This updates the previous *Practice Note 2005-33* issued June 2005.

### 1. Summary

This Practice note describes when a building permit can be issued prior to the registration of a plan of subdivision.

### 2. Subdivision steps

When a parcel of land is proposed for subdivision, several steps must occur. They include:

- A planning permit must be issued for the proposed subdivision; and
- The plan of subdivision must be certified by the relevant council; and
- The plan of subdivision must be registered by the Registrar of Titles.

### 3. Issue of building permit

A building permit may be issued to build on an allotment on a plan of subdivision once the relevant council has certified the plan, even though it has not yet been registered by the Registrar of Titles. However, all other requirements of the *Building Act 1993* and *Building Regulations 2006* must be satisfied. A building permit cannot be issued prior to certification of the plan of subdivision by the council.

### 4. Evidence of ownership

A certificate of title for individual allotments will not be issued until the plan of subdivision has been approved or registered by the Registrar of Titles. Therefore, a relevant building surveyor should request some other form of evidence of ownership of the allotment or evidence that a contract has been entered into pursuant to section 9AA of the *Sale of Land Act 1962* in respect of the allotment.